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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.1691 of 2007

Jadeed Anjuman-E-Talim.....Petitioner
Vs.
The Deputy Director of the
Education, Nasik & Ors.....Respondents

Mr. Girish Kulkarni with Mrs. Swati Deshpande for the petitioner
Mr,. V.P.Malwankar, AGP for respondent Nos. 1 and 3.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 20TH APRIL, 2007.

P.C.

. Notice waived on behalf of the respondent Nos. 1 and

3. For the order to be passed notice on respondent No.2

dispensed with.

2. The petitioner claims as a minority institution. They had applied for starting Urdu Primary School as also an English Medium Primary School. The English Medium Primary school was rejected on the ground that the bank balance certificate was not attached. The case of the petitioner is that in fact they have attached the bank balance certificate. In so far as the Urdu Medium Primary School is concerned that has been rejected on the ground that there is no certificate showing that the society is registered under the Societies Registration Act, 1860. It is contended that the petitioner a Trust. Once that be the case they have a right that their application to be considered. Considering the above in our opinion both the orders discloses non-application of mind. Consequently the order rejecting the application for English Medium Primary School as also

Urdu Medium Primary School are set aside and the matter is remanded back to the respondent No.2 for reconsideration and disposal of the matter at any rate within four months from today. Rule made absolute accordingly. No order as to costs.

(**F.I.REBELLO**, J)

(**R.M. SAVANT,J)**